

BEFORE THE DELAWARE BOARD OF
MEDICAL LICENSURE AND DISCIPLINE

IN RE: MICHAEL JAMES MUNRO)

LICENSE NO.: C2-0011223)

Cases No.: 10-86-18)

ORDER

WHEREAS, the Board of Medical Licensure and Discipline has reviewed this matter;
and

WHEREAS, the Board of Medical Licensure and Discipline approves the Consent
Agreement of the parties and intends to enter it as an Order of the Board;

IT IS HEREBY ORDERED this 16 day of July, 20 19

Sharon Williams-Mays

[Signature]

[Signature]

He. Vesenti

[Signature]

*Jack M. King &
Mary C. Linnay*

AA Wn

[Signature]

[Signature]

Madeleine Pellin

Melissa M. Warren

[Signature]

[Signature]

**BEFORE THE DELAWARE BOARD OF
MEDICAL LICENSURE AND DISCIPLINE**

IN RE: MICHAEL JAMES MUNRO)
)
) Case No.: 10-86-18
LICENSE NO.: C2-0011223)

CONSENT AGREEMENT

A written Complaint was filed with the Delaware Board of Medical Licensure and Discipline alleging that Michael James Munro ("Respondent"), a licensed physician, engaged in conduct that constitutes grounds for discipline pursuant to Delaware's *Medical Practice Act* (24 *Del. C. Ch. 17*).

The State of Delaware, by the undersigned Deputy Attorney General, and Respondent submit this Consent Agreement for approval by the Board as a means of resolving the pending administrative prosecution against Respondent pursuant to 24 *Del. C. Ch. 17* and 29 *Del. C. Ch. 101*.

IT IS UNDERSTOOD AND AGREED THAT:

1. Respondent is a licensed medical doctor in the State of Delaware. His license, number C2-0011223, was issued on January 30, 2015 and expires on March 31, 2019. His license is currently active.

2. At all times relevant, Respondent was employed by Eye Specialists of Delaware ("Eye Specialists") located in Millville, Delaware.

3. Beginning in at least June of 2017, Respondent engaged in a consensual sexual relationship with an employee of Eye Specialists ("Individual 1"), who was under his supervision. The affair continued until about October 2017, at which time Individual 1 discontinued the affair.

4. After Individual 1 discontinued the affair, Respondent engaged in a pattern of

conduct towards Individual 1 at work including using sexually inappropriate language and statements and unwanted touching.

5. This conduct continued until at least July of 2018 when Individual 1 complained to the management of Eye Specialists.

6. Beginning in September of 2017, Respondent engaged in a pattern of sexually inappropriate and harassing conduct towards another employee of Eye Specialists ("Individual 2"), who also worked under his supervision.

7. Specifically, Respondent made unwanted verbal sexual advances towards Individual 2 Respondent touched Individual 2 in a sexual manner.

8. This conduct continued until at least July of 2018, when Individual 2 complained to the management of Eye Specialists.

9. In July of 2018, Eye Specialists conducted an investigation based in part on Individual 1's and Individual 2's complaints against Respondent.

10. As a result of the investigation, Eye Specialists entered into an agreement with Respondent that he not engage in harassing conduct towards female employees. Respondent also agreed that a proctor would be present with any female staff or patients. At the conclusion of five months, Eye Specialists discontinued the use of the proctor.

11. Respondent violated 24 *Del. C.* § 1731(b)(3) in that he engaged in dishonorable, unethical or other conduct likely to deceive, defraud or harm the public, specifically:

- a. Respondent violated regulation 8.1.15 in that he engaged in inappropriate or disruptive behavior as defined in the AMA code of ethics, and
- b. Respondent violated 8.1.16 in that he engaged in an act or acts tending to bring discredit upon the profession.

12. Respondent violated 24 *Del. C.* § 1731(b)(11) in that he engaged in misconduct,

specifically sexual misconduct, in the practice of medicine.

13. Respondent admits that the allegations set forth in paragraphs one (1) through twelve (12) above are true and correct.

14. In mitigation, Respondent avers the following:

- a. Respondent's conduct did not involve the provision of Respondent's professional services as a physician;
- b. The conduct did not involve any patient of Respondent;
- c. Respondent took it upon himself to seek guidance to help with maintaining appropriate boundaries.
- d. Respondent continues to work with one of the coworkers. Since the conduct outlined above was first reported, Respondent has been committed to comporting himself in the workplace with his colleagues in an entirely professional manner and there have been no further complaints.

1. The State and Respondent agree that the appropriate disciplinary sanction shall be as follows:

- a. Respondent's license shall be placed on probation for five (5) years with the following conditions:
- b. Within 60 days of the Board's Order, Respondent shall complete nine (9) hours of continuing education, of which three (3) hours shall be in ethics and six (6) hours shall be in sexual harassment. The nine hours shall be in addition to the continuing education hours required for license renewal;
- c. During the term of probation, Respondent shall disclose this Consent Agreement to other Delaware treatment providers that he is contracted to work with or provide medical services to;

- d. Respondent shall pay a civil monetary fine within 90 days of the date of this Order in the amount of \$1000.00 payable to the State of Delaware and mailed to the Division of Professional Regulation, Delaware Board of Medical Licensure and Discipline, Cannon Building, Suite 203, 861 Silver Lake Boulevard, Dover, Delaware 19904; and
- e. The Board reserves jurisdiction, in connection with any further hearing for removal from probation or violation of any of the terms and conditions of probation, to determine whether any additional conditions or restrictions on Respondent's license to practice medicine are necessary to protect the public.

43. The parties to this Consent Agreement are the State of Delaware and Respondent. The parties agree and acknowledge that nothing contained in this Consent Agreement shall affect any rights or interests of any person not a party to this Agreement.

44. Respondent acknowledges that he is waiving his rights under 24 *Del. C.* Ch. 17 and 29 *Del. C.* Ch. 101 to a hearing before the Board prior to the imposition of disciplinary sanctions.

45. Respondent hereby acknowledges and agrees that he has carefully read and understands this Consent Agreement, and is entering into this Consent Agreement freely, knowingly, voluntarily, and after having received or having been afforded the opportunity to receive the advice of counsel.

46. Respondent acknowledges that this Consent Agreement is a public record within the meaning of 29 *Del. C.* § 10002 and will be available for public inspection and copying as provided for by 29 *Del. C.* § 10003.

47. The parties acknowledge and agree that this Consent Agreement is subject to approval by the Board.

48. The parties acknowledge and agree that if the Board does not accept this Consent Agreement, it shall have no force or effect, except as follows:

- a. Neither Respondent, nor anyone on his behalf, will in any way or in any forum challenge the ability of the Board or any of its members to conduct an evidentiary hearing relating to the allegations in the subject Complaint;
- b. The Consent Agreement, or conduct or statements made in negotiating the Consent Agreement, will be inadmissible at any administrative, civil or criminal legal proceeding; and
- c. No provision contained in the Agreement shall constitute or have the effect of an admission by Respondent as to any fact alleged in the Complaint in this matter or in this Agreement.

49. If the Board accepts the Consent Agreement and enters it as an Order, the Consent Agreement shall be admissible as evidence at any future proceedings before the Board.


50. Respondent acknowledges and agrees that the Board will report this Consent Agreement to the licensing authority of any other state in which he is licensed to practice.

51. The parties acknowledge and agree that this Consent Agreement, along with any exhibits, addendums, or amendments hereto, encompasses the entire agreement of the parties and supersedes all previous understandings and agreements between the parties, whether oral or written. There are no other terms, obligations, covenants, representations, statements or conditions, or otherwise, of any kind whatsoever concerning this agreement.


52. This Consent Agreement, and any disciplinary sanctions contained herein, shall be effective upon acceptance by the Board and entry of the Board's Order.


Michael James Munro
Respondent

Dated: 6-24-2019


Zoe Pierhopes (I.D. No. 5415)
Deputy Attorney General

Dated: 6/26/19


Devashree Singh
Executive Director
Delaware Board of Medical Licensure and Discipline

Dated: 7.8.2019

Mailed 7.23.2019